

ORDINANCE NO. 11-76

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A HOUSE OF WORSHIP PURSUANT TO HIALEAH CODE §98-181(2)f ON THE SECOND FLOOR OF A TWO STORY RETAIL COMMERCIAL BUILDING, AND GRANTING A VARIANCE PERMIT TO ALLOW A FRONT SETBACK OF 5 FEET, WHERE 20 FEET ARE REQUIRED, FOR A PROPOSED TWO STORY COMMERCIAL BUILDING, AND TO ALLOW A REAR SETBACK OF 6 FEET, WHERE 15 FEET ARE REQUIRED, FOR A PROPOSED THREE STORY PARKING GARAGE, CONTRA TO HIALEAH CODE §§ 98-1069(a) AND 98-1071, ON PROPERTY ZONED C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 8155 WEST 12 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of September 14, 2011, recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a conditional use permit (CUP) to allow a house of worship on the second floor of a two story retail commercial building on property zoned C-1 (Restricted Retail Commercial District) and a variance permit is hereby granted to allow a front setback of 5 feet, where 20 feet are required, for a proposed two story retail commercial building, and to allow a rear setback of 6 feet, where 15 feet are required, for a proposed three story parking garage, contra to

Hialeah Code §§ 98-1069(a) and 98-1071, which provide in pertinent part: “In the C-1 restricted retail commercial district, setbacks on all retail commercial property shall be 20 feet unless a setback is already established by two or more buildings in the block, except property zoned for B-1 purposes. If two or more buildings shall have previously been erected in the block and shall not be set back the same distance from the front of front lot lines, the setback shall be 20 feet unless an exception shall be approved by the planning and zoning board.” and “In the C-1 restricted retail commercial district, there shall be a rear yard of not less than 15 feet in depth, except as a use of an R-3 district where rear yard requirements shall be the same as required under that use district.”, respectively. The property is located at 8155 West 12 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE NORTH 70 FEET OF THE WEST 285 FEET (LESS THE WEST 35 FEET) OF TRACT 29, AND THE WEST 285 FEET OF TRACT 30 (LESS THE WEST 35 FEET), OF FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO.1, OF SECTION 25, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a

revocation of the Special Use Permit and of the city occupational license issued in connection herewith and the property shall revert to the zoning classification without the benefit of the special use.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

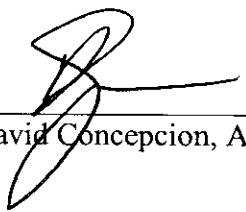
PASSED and ADOPTED this 11th day of October, 2011.

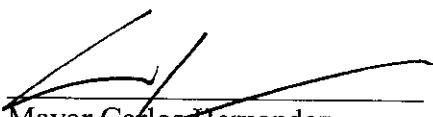
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 186.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President


Attest:

Approved on this 14 day of OCT, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney